

In re ) Fair Hearing No. 19,634  
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Appeal of )

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, (DCF), denying her request for prior approval for a weight-loss medication.

1. The petitioner requested payment for Xenical, a weight loss medication, through the prior approval process in March of 2005. DCF asked for additional information from the petitioner regarding her need for the medication. DCF wanted documentation that diet and exercise had been tried as a remedy for her weight problems. When no information was forthcoming, DCF denied the application.

2. The petitioner appealed the determination on April 4, 2005. After missing three scheduled hearings in May and June, the petitioner appeared at her hearing on July 28, 2005. The petitioner did not bring the information requested by DCF but said that she had requested her physician to

provide the information on July 3, 2005. The petitioner was given until August 31, 2005 to provide the needed evidence.

3. The petitioner failed to provide any additional information.

ORDER

The decision of DCF is affirmed.

REASONS

DCF has adopted regulations which require prior authorization for certain medical items when the item requested is "of questionable medical necessity" to assure the "appropriate use of health care services." M106.1 and 2. As part of the "prior authorization determination" DCF may require supporting information which includes "a statement of alternatives considered and the provider's reasons for rejecting them." M106.3.

DCF felt that the petitioner's request for weight-loss medication was of questionable medical necessity and asked her to supply a statement from her provider detailing the alternatives considered and the reasons for rejecting them. This request was consistent with DCF's regulations. The petitioner failed to provide information which DCF reasonably requested thereby justifying DCF's determination to deny

prior authorization. As DCF's decision is in accord with its regulations, its decision must be upheld by the Board. 3

V.S.A. § 1391(d), Fair Hearing Rule 17. The petitioner may gather the requested information and reapply if she wishes.

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